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IV#2201440

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IV #2201440

Subjects: [redacted] **Sergeant**
Chamness, Christian [redacted] **Deputy Sheriff**
[redacted] **Deputy Sheriff**
[redacted] **Deputy Sheriff**
[redacted] **Deputy Sheriff**

Date: **July 17, 2007**

Time: **1345 hours**

Location: [redacted] **E. Avenue K, Lancaster**

Lancaster Station patrol deputies arrived in the vicinity of 10th Street East and Avenue K regarding a person with a gun call and contacted an individual described in the call as an approximately 40 year old black man possessing a gun tucked in the front of his pants. Several patrol units responded and set-up facing east in the #2 and #3 eastbound lanes of Avenue K just west of Challenger Way and began issuing commands to safely detain the pedestrian suspect, later identified as Alvin Woods (Refer to **Exhibit K**-1, security camera video recording). One motorcycle deputy, Subject Deputy [redacted] also responded and set-up in the #1 westbound lane of Avenue K, a position north and perpendicular to the suspect. The numerous Sheriffs units sparked the interest of a number of shopping mall patrons, business employees and their acquaintances. Some of these individuals walked out from the businesses, walked closer to the deputies' positions and gathered on the sidewalk and parking lot of the shopping mall apparently to watch how the police activity unfolded.

With duty-weapons drawn and pointed at the suspect, deputies were commanding [redacted] suspect pedestrian Alvin Woods to raise his hands and walk back toward their position. Motorcycle Deputy [redacted] had deployed his shotgun and was pointing it south, directly at the suspect. Because the suspect was not cooperating completely, deputies became concerned and wary of the motives for his delayed actions. Some of the on-lookers were assembling on the walkway and parking lot directly south of the evolving police activity and directly in the backdrop/line of fire of Deputy [redacted] shotgun. Deputy [redacted] repeatedly commanded the onlookers to disperse and get out of his line of fire but not all of the onlookers did so and remained in the back-drop danger zone.

After deputies secured Mr. Woods and determined he was not in possession of a gun, Subject Deputies [redacted] Chamness, [redacted] and [redacted] went over to a barbershop in the west end of the shopping mall to detain Suspect Rikki Barnes for refusing to disperse. The deputies wrote in their reports that they met with angry, confrontational employees and patrons once inside the shop. Ultimately, Suspect Barnes and three others (Suspects Keith Davison, Raymond Davison and Michael Carger) were arrested for interfering and delaying a police officer in his duties. Suspect Raymond Davison was sprayed with O.C. prior to his arrest. Suspect Barnes alleged Subject [redacted] erased a video recording he took of the police actions involving Alvin Woods.

WITNESSES

[redacted] - Informant on Call

Witness [redacted] said that [redacted] works at the tattoo shop where he [redacted] works and [redacted] was the person who called in the emergency call to Lancaster Station. The Internal Affairs Bureau (IAB) investigator made numerous attempts to reach [redacted] but was not able to complete an interview with him. In reviewing the audio recording of the call [redacted] made to Lancaster Station, he can be heard saying he did not want to get involved. This may account for why he did not follow through and complete an interview.

The IAB investigator reviewed the recording of the telephone call to Lancaster Station regarding Tag 254 initiated by [redacted] said that a black man about 40 years old wearing dark clothing, with a handgun tucked in the front of his belt, was on the southwest corner of the intersection and was yelling at and threatening motorists as they drove by. He said the man was making outlandish statements like "I'm going to fuck you up," and "I'm a terrorist." He told the desk L.E.T. he did not want to be involved in the incident and did not want to have deputies contact him.

DAVISON, Raymond C.

[redacted]

Mr. Davison is Suspect #3 on Deputy Chamness' Incident Report and is seen in the video recording wearing a light yellow shirt and dark-colored pants. He is also seen being O.C. sprayed by Deputy Chamness. Following his arrest on July 17, 2007, he was transported to Lancaster Station where he was video interviewed by Sergeant [redacted] as part of the Supervisor's Use of Force package. Among other comments, Mr. Davison told Sergeant [redacted] that he was laughing at the deputies, referred to them as "flexing their muscles" and behaving like "Keystone Cops." He said he believed the arrests and the O.C. spraying were unwarranted.

For details of Mr. Davison's comments, refer to the transcription of the video interview in the case book and/or view the DVD recording (Exhibit K-2) of the interview.

> **IAB Note:** Through his civil attorney, Jeffrey Korn, Raymond Davison declined to be interviewed for this IAB investigation. Mr. Korn said he represented all four suspects in the case and that none would be made available for the IAB interview request.

BARNES, Rikki M.

[redacted]

Suspect Barnes was one of the four individuals arrested for 148 P.C. during the incident on July 17, 2007. On October 23, 2007, charges were dropped by the District Attorney's Office. He was telephonically interviewed at 1248 hours on November 6, 2007, by Sergeant David Stunson.

Identification was confirmed by IAB Sergeant Stunson verifying his date of birth and residence address. The interview was audio recorded.

For details of Mr. Barnes' comments, refer to the transcription of the interview in the case book.

IAB Note: During the interview, Barnes claimed to have captured video recording of the pedestrian stop by involved deputies with his cellular telephone video camera function. He said upon entering the barbershop and contacting him, Subject [redacted] confiscated this cellular telephone and manipulated the keypad, erasing the recorded video. Although initially agreeing to do so, Mr. Barnes did not comply with the investigator's request to provide his old cellular telephone for forensic examination by the SoCal High Tech Task Force unit. He also did not respond to subsequent messages left on his voice mail requesting he produce the cellular telephone.

[redacted]

Witness [redacted] is a the owner/operator of the [redacted] business located on the second floor at the far west end of the shopping mall complex. She was telephonically interviewed by Internal Affairs Bureau Sergeant David Stunson on September 24, 2007, at 1915 hours. The interview was audio recorded.

IAB Note: Prior to the recorded portion of the contact with the witness, Witness [redacted] made a point of emphasizing that she did not like Lancaster Station Sheriff's deputies primarily because of contacts her son had previously had with them. She explained that her son had friends who were gang members and on some occasions, deputies would contact and detain her son for no apparent reason when he was walking down the street in Lancaster. For this reason, she did not have much confidence in the performance of Lancaster Sheriff's deputies.

Though Ms. [redacted] was very cordial with the investigator and was never impolite, she answered questions posed to her without precision and seemed uncomfortable when pressed for details and specificity. In several instances during the interview, she was either not able to answer the question altogether, could not clarify when asked, or provided responses that were inconsistent with the video recording, other witness statements and the deputies' accounts. Based on the video and other witness interviews, it appears likely Ms. [redacted] did not actually witness the event, but rather regurgitated what she may have been told by her employees or others who work in the shopping mall.

Ms. [redacted] said she was working at the office, upstairs, on July 17, 2007, when one of her former employees, Loan Officer [Witness [redacted] called her attention to police activity which was occurring outside and in the parking lot of the shopping mall (refer to **Exhibit C-1, figure 4**, upstairs window of [redacted]. She said that Mr. [redacted] told her there were "like four police cars in

the parking lot" and officers were "taking some black guys from the barbershop, so everyone [loan office employees] just went up to the front window and we were just looking at what was going on,"

She said as she was looking out the window, she saw "the guy in the wheelchair" is being led out to the police car." [The telephone call and recording was interrupted and terminated by a bad cellular signal. Once contact was re-established], the witness said that "the guy in the electrical chair, he was being handcuffed and was led into the police car." She said it was "extremely rough for somebody over the age of 60, to be treated that way." She said she saw the older man being "dragged" to the police car. When asked to clarify "dragged," she said, "Well, that's the way that I saw it. Everybody sees things differently from different angles." When asked if deputies "actually dragged him she said, "No. He was on the chair and I guess in order to, they just picked him up and dragged him a little bit, to get him in the car." When asked if he was on his own two feet, she said, "No. Because he can't walk. I have never seen him walk. As far as I know, he is in that chair because he can't walk."

When asked to elaborate how deputies were "rough" with Raymond Davison and where he was located when he was handcuffed, the witness was not able to state where Mr. Davison was when he got handcuffed stating, "You know what, I'd have to think about where he was. It was so long. I didn't care. You know, because I don't like complaints. So I didn't think it was something I'd have to be concerned about." "I know he was using a lot of foul language on the officers." She said he said, "Really nasty words. F[uck] you guys." She thought the older man was upset with the deputies.

When asked to recall what exactly she saw when she first looked out the window, she said she saw, "Just a lot of arguments and 'Put your hands down' and it wasn't very much because they were not I guess, they were not screaming until they got to the older gentleman that was in the chair, that's when it got a little bit worse because the guy was screaming and using foul language at the officers. When asked if the guy was sitting in the chair when he was screaming at the officers, she said, "Yeah." She also said the chair was blue.

> **IAB Note:** Witness [redacted] repeatedly referred to the man in "the chair," apparently referring to the blue electric cart which can be seen partially at the bottom of the still frame of **Frame #8 of Exhibit C-2**. On the two occasions the IAB investigator was at the shopping mall, the unidentified black man wearing a dark hat and dark shirt opening the barbershop door in **Frame #8** was the only individual riding the blue electric cart at the location. No other witnesses other than Ms. [redacted] offered that Suspect Raymond Davison used or rode around on an electric cart due to physical disability. As can be seen in the video, and on the dates the IAB investigator was at the location, Suspect Raymond Davison was not using the electric cart and was walking around without apparent difficulty or disability.
>
> Aside from the O.C. spraying portion of the video, Ms. [redacted] characterization that deputies were "rough" with Suspect Raymond Davison is not supported by images recorded on shopping mall security cameras. Nothing captured in the video recordings substantiate Witness [redacted] statement that Suspect Raymond Davison was in or around the electric cart [which she alternately referred to as "chair"] when he was contacted, O.C. sprayed or handcuffed by involved deputies. To the contrary, Deputy [redacted] carefully handcuffed Suspect Davison, provided physical support by gently holding onto his right arm once he was

handcuffed, and then along with an unidentified uniformed deputy, calmly and without incident, gently walked him out to a patrol vehicle parked on Avenue K.

Witness [redacted] said she tends to block "violent stuff" out of her memory. When asked to elaborate on the "violence" she saw on the date of the occurrence, she said she felt sorry for the "guy" she saw arrested, referring to Suspect Raymond Davison. She said the officers should have never been so rough with him. She said they were "shoving him, or like forcing him to just put the handcuffs on him and they picked him up, and they just dragged him to the car, and then they took him to the ambulance." When pressed for clarification of her comments about "dragging" and being "rough," she said she saw things from a different angle, from the upstairs window. She also claimed Suspect Raymond Davison "can't walk." Regarding where he was when he was handcuffed, she said, "He was on his chair."

- **IAB Note:** The video recording images do not support her statement that Suspect Raymond Davison was seated on the cart when he was handcuffed. Also, there was no "chair" or electric cart where Mr. Davison was handcuffed.

She stated she did not see any of the other suspects arrested. She said after she saw the older man arrested, she returned to her own office and went back to work.

[redacted]

Witness [redacted] is an employee of the [redacted] business and she works for Witness [redacted] She was interviewed by Internal Affairs Bureau Sergeant David Stunson at her office at 1104 hours on September 25, 2007, by Internal Affairs Bureau Sergeant Stunson. The interview was audio recorded.

Ms. [redacted] said she was working in her office and heard other employees talking about police activity which was occurring outside and east of her office. She got up from her desk and looked out her office window. The window is one of two on the east side of their upstairs business which show a view to the east from the business. Her view was the parking lot and the far north edge of the north/south running sidewalk which ran under the awning along the shop entrances. She could not see under the awning (refer to **Exhibit C-1, figure 5**). She saw several radio cars in the lanes of Avenue K and deputies pointing their guns at a man (call's pedestrian [redacted] suspect Alvin Woods) who was on the sidewalk near the east driveway of the shopping center. She also saw a motorcycle officer on scene. She said she could hear the deputies saying something over their public address system but she could not hear what was being said. The window she peered through was a stationary window and she could only hear muffled sounds. She said deputies handcuffed and placed the man in a radio car rear seat.

After dealing with the man on the sidewalk out near the street, she saw the motorcycle deputy drive his motorcycle into the parking lot near the barbershop and stop. She also viewed this through the same east facing upstairs window (refer to **Exhibit C-1, figure 5**). She said it seemed to her that the

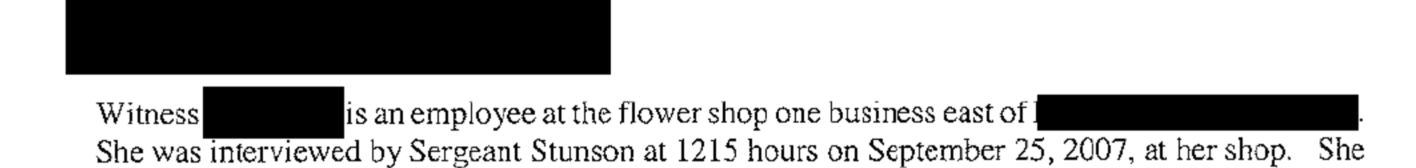
motorcycle officer was "upset." She said, "It seemed like he was upset, arguing with the African-American man who was trying to film what was going on in that corner with a cellular phone." She said it was her "perception" that the motorcycle deputy got off his motorcycle and "approached the men who had been filming with the cellular phone. He seemed to be upset because he was doing that; that was my perception." She said the motorcycle officer confronted the man outside the barbershop. She said the deputies later entered the shop. She said she could not see inside the shop.

Witness [redacted] said she watched deputies walk the handcuffed men out to the radio cars without incident, except one. In reference to Suspect Raymond Davison, she said:

> The guy who couldn't walk. And he seemed, ah, they, he had one guy on each side holding him and he was being forced to go to the car because the guy couldn't walk... All I remember is that he was being taken by two officers, one on each side. They were holding him. The guy couldn't walk. He seemed to be either too old or sick or handicapped; I don't know exactly what it was.

She said she didn't actually see deputies handcuff him. She said that when deputies were inside the barbershop, "It sounded like something really bad was going on, when they went inside because I could hear noise and voices." She also said deputies, "pushed" and "forced" Suspect Raymond Davison when they walked him from where he was handcuffed out to the radio car.

Near the end of the interview, when asked if she could possibly have heard deputies earlier announce "Get out of the way. You're in the line of fire," she said that yes, she had heard those specific words.



[redacted]

Witness [redacted] is an employee at the flower shop one business east of [redacted]. She was interviewed by Sergeant Stunson at 1215 hours on September 25, 2007, at her shop. She was asked about what she saw on July 17, 2007. The interview was audio-recorded.

Ms. [redacted] said she was working inside her flower shop on the date and time of the incident. She said she was returning from the "liquor store" [[redacted] at the far east end of the shopping mall] and saw a lot of police cars out on the street. While returning from the store and walking on the walkway back westbound toward her flower shop, she first said she saw two deputies handcuffing an older male outside the barbershop. Later in the interview, she varied her recollection saying she did not see anyone handcuffed. She said she did not see any force used on anyone. Then she varied again and said she only saw a man handcuffed. When asked if she saw anyone O.C. sprayed, she said, "No."

Ms. [redacted] can be seen in the video recording walking west on the walkway, carrying a bag and wearing a blue blouse over green pants. She appears at about the time mark 3:25 of the recording.

[redacted]

Witness [redacted] is co-owner of the pet shop with his wife [redacted] He was interviewed by Internal Affairs Bureau Sergeant David Stunson at 1245 hours on September 25, 2007, while working at his business. The interview was audio recorded.

Witness [redacted] said he saw parts of the incident on July 17, 2007. He said his attention was drawn to the police activity by something being said on the "intercom" [PA system}. He elaborated he heard something to the effect of, "Go in the shop. Clear out of the area. Go inside." He said he did not remember which deputy made the announcement. He said he did not observe deputies finalizing and handcuffing the pedestrian Alvin Woods.

He said he later saw deputies in the parking lot, traveling further west, and watched them go inside the barbershop. He said, "They went ahead and went in to the building and took out Rick [Suspect Rikki Barnes] initially in handcuffs. A couple of them stayed at the door and were trying to argue and yell at the barbers." He said the arguing occurred out on the walkway. Witness [redacted] said he saw deputies handcuff Suspect Raymond Davison, who was standing still. The witness claimed only the deputies were yelling. He said "Pretty much, the barbers just let themselves get arrested. They did not resist anything at all, what-so-ever."

Witness [redacted] said the handcuffing went pretty smooth except Raymond Davison's "pants were falling down or something. He was having a hard time moving and they were pushing him. And so they were pushing him even more. It looked like they were, they were, umm, what's the word, they were purposely being rough with him."

When asked if he could recall anything the deputies were saying when they were yelling, he said he did not remember. He added deputies "pepper sprayed him in the face." When asked if he actually saw the pepper spraying, he acknowledged he had not, but was told by his wife (Witness [redacted] that deputies had pepper sprayed Raymond Davison. Witness [redacted] said he was not outside observing the events from beginning to end because at one point, he returned inside his pet shop to get his wife [redacted] and [redacted] for witnesses.

In conclusion, he said he noticed "it appeared a lady cop was antagonizing" the involved suspects. He said the female deputy pushed "Michael" [Carger] when he was arrested. He characterized her as being "pushy," and wearing "big glasses,"describing her "short, skinny, looked like brownish hair, pulled back, and she was like going off like a pistol."

[redacted]

Witness [redacted] is co-owner of the pet shop with her husband, Witness [redacted] She was telephonically interviewed by Internal Affairs Bureau Sergeant David Stunson at 1408 hours on

October 3, 2007. The interview was audio recorded. She said she saw some of the incident that occurred in the shopping mall on July 17, 2007.

The witness said she went out in front of the pet shop and saw five or six radio cars in the street and one motorcycle deputy. She did not see the pedestrian stop segment of the incident. She only saw developments down near the barbershop.

Witness [redacted] saw some deputies "down a few doors down at the barbershop, it sounded horrible. They were yelling and screaming, telling people to get back." She said there was no one in the radio cars. "The motorcycle cop and the female cop were taking men out the front door." She said, "When I first came out, they were yelling at the people in the barbershop. And they were screaming. It was very loud. It was scary enough that everybody was locking their doors. Because they [deputies] were telling every body, "Get back, get your arms up. And that's about the time I came out of the door." She said that is when she saw a man being walked out to the radio car.

She said, "There was so much corruption. There was one guy yelling at one, at a gentleman in the chair, right outside the barbershop." When asked to clarify what type of chair she was referring to, she said, "One of those barber chair things. You know, just a regular lawn, not a lawn chair, but a metal chair that you sit in. A kitchen chair almost." She said the chair "was right outside the door. Right by the glass." She said she did not know the color of the chair.

> **IAB Note:** The video recording of the area just outside the barbershop door does not show any chair near the barbershop door.

She said she did not know who deputies were yelling at. She could only say they were yelling and they were very loud. She said she did not recall which side (west or east) of the barbershop door the chair was located. She said she saw one of the men the deputies were walking out, "stumbled a little bit as he came off of the curb." She said the deputies were "yelling at him." She also said she didn't know what was happening before because she was not outside. However, she said, "But they were yelling at him, and pushing him, and taking him out to the car. And then the next person brought out was one of the sons, and he was being pushed, and stuff like that."

She continued:

> The thing that caught my eye the most was that the grandfather of the business [Raymond Davison], he basically, I saw him coming out, and the motorcycle cop [Subject [redacted], we all know who he is because he's been in the area quite a bit actually; he was pushing him [Davison] up against the brick, the pillar, and he was trying to get the handcuffs on him. Well, he was trying to hold him down and there was another cop who was trying to put handcuffs on him. And they were screaming at him and yelling at him to hurry up and blah, blah, blah, and you know, just being loud and obnoxious. And then he maced him in the face, three times as we were standing there. And this man, he's in his late 70s or early 80s.

> **IAB Note:** Contrary to Witness [redacted] recollection and statement above, the video recording of the incident shows Subject [redacted] uninvolved physically with Raymond Davison, shows Subject Chamness O.C. spraying Davison and shows Subject [redacted] handcuffing him.

Witness [redacted] added that her children go to school with Suspect Raymond Davison's grandchildren and she referred to the relationship as "kind of a family deal." She went on to say:

> It looked like he was losing his, his pants were falling off so he bent over to pick up his pants and they shoved him up against the pillar and they were screaming and yelling at him, you know, he's an older man. To me, he did not deserve to be sprayed in the face. I'm sorry. He was not resisting. You know, he's a grampa. He's not resisting. He's not going to do anything. He wasn't fighting them or anything. He just basically went to grab his pants because they happened to be falling and they maced him in the face three times. As we saw him, he started choking, basically almost vomiting.

She said that at this point, she walked to Raymond Davison's location and offered to give him water and deputies told her that is if she didn't step away, she would be arrested. She said deputies also "dragged" another man out from the shop and deputies were "yelling and screaming at him."

> **IAB Note:** Ms. [redacted] claim that deputies shoved and pushed Suspect Raymond Davison during this incident is not supported by the security camera recording of the event. The recording did not show anyone shoving "him up against" a pillar. Further, while walking him across the parking lot to place him in the radio car parked in the number three lane on Avenue K, two deputies were escorting Davison, with no shoving or pushing apparent. Deputies appeared to be using due care and concern in walking him the distance from the shop to the radio car. Davison did not display any significant difficulty walking.

[redacted]

Witness [redacted] is employed at [redacted] and said she was working at the time of the incident. She was interviewed by Internal Affairs Bureau Sergeant David Stunson at 1313 hours on September 25, 2007, while working at the business. The interview was audio-recorded.

Ms. [redacted] spoke broken English and for the interview, she spoke in Spanish which was translated by fellow employee [redacted] (female Hispanic, D.O.B. [redacted]). [redacted] was asked what she saw while deputies were at the shopping mall on July 17, 2007. She said while situated inside the shop, at the counter, she saw a lot of police vehicles situated in the street. She saw an individual, apparently a prisoner, moved from the rear of one radio car to another.

Witness [redacted] saw one man in handcuffs being walked out from the area outside and near one of the shops in the vicinity of the barbershop. She said he was African-American, was older, and had a

beard. She said there was nothing noteworthy about his being escorted out. She did not hear any involved parties say or yell anything.

[redacted]

Witness [redacted] is the owner/operator of the doughnut shop which is located a few shops east of the [redacted]. She was interviewed by Internal Affairs Bureau Sergeant David Stunson at 1327 hours on September 25, 2007, while working at her business. The interview was audio-recorded.

Ms. [redacted] said she was in her shop at the time and date of the incident. She recalled seeing, from behind her shop's counter, radio cars outside her shop. She heard the police dealing with the pedestrian; watched him put his hands behind his head. One of her customers yelled to her that there was something dangerous going on outside and Ms. [redacted] went to her entry door and locked it to prevent anyone from coming in. She did not see any of the suspects in front of her shop. She did not have anything further to add.

[redacted]

Witness [redacted] is the owner/operator of the restaurant and was interviewed at her business by Internal Affairs Bureau Sergeant David Stunson at 1345 hours on September 25, 2007. The interview was audio-recorded.

Ms. [redacted] said she was working and occupying her restaurant on the date and time of the incident. She said while in the back portion of her restaurant, her [redacted] called to her to tell her about the police activity occurring outside. She looked and saw police activity out on the street. Deputies were dealing with a pedestrian and his female companion and had their weapons pointed at the male pedestrian. She made her observations from inside her business and did not go outside.

IAB Note: The female companion was not contacted for this investigation.

She saw "African" and "Spanish" people outside watching the deputies. She said she recognized some of the African-American individuals watching, were from the barbershop in the shopping mall. When asked if any of them were yelling at the police, she said, "Yes." She said the police did not seem angry with the African-American on-lookers.

The witness did not recall seeing any of the deputies riding a motorcycle. She acknowledged her observations of the incident were from inside her business and were intermittent due to her having to deal with customers.

[redacted]

Witness [redacted] was with the informant of the call, [redacted] when they exited their vehicle on the far east end of the parking lot. He was contacted at the tattoo shop and interviewed by Sergeant Stunson at 1430 hours on September 25, 2007. The interview was audio-recorded.

The witness said that on the date of the incident, he and [redacted] (call informant, unknown last name) had just returned to the shopping mall and parked their car at the far east end of the lot which faced Challenger Way. He pointed to the parking stalls that are along the sidewalk of Challenger Way and indicated he and [redacted] got out of their vehicle and began walking west, up onto the walkway adjacent to the north side of the [redacted] He said as they walked east, he saw radio cars pull up in the eastbound traffic lanes on Avenue K, stop, and begin directing a male black to stop and put his hands up.

He said the motorcycle deputy pulled up and parked in the westbound lanes. He said the motorcycle officer got off his bike, pulled out his shotgun and pointed it due south at the suspect, who the radio car deputies were issuing commands to. The witness said shortly after the deputies begun issuing commands to the pedestrian they were detaining, he heard the motorcycle deputy announce over his public address system for onlookers to disperse, to go back into their shops, in case there "was any crossfire that no one would get hit. They were just taking a precaution. And they kept repeatedly telling them to get back inside or else they would start arresting people."

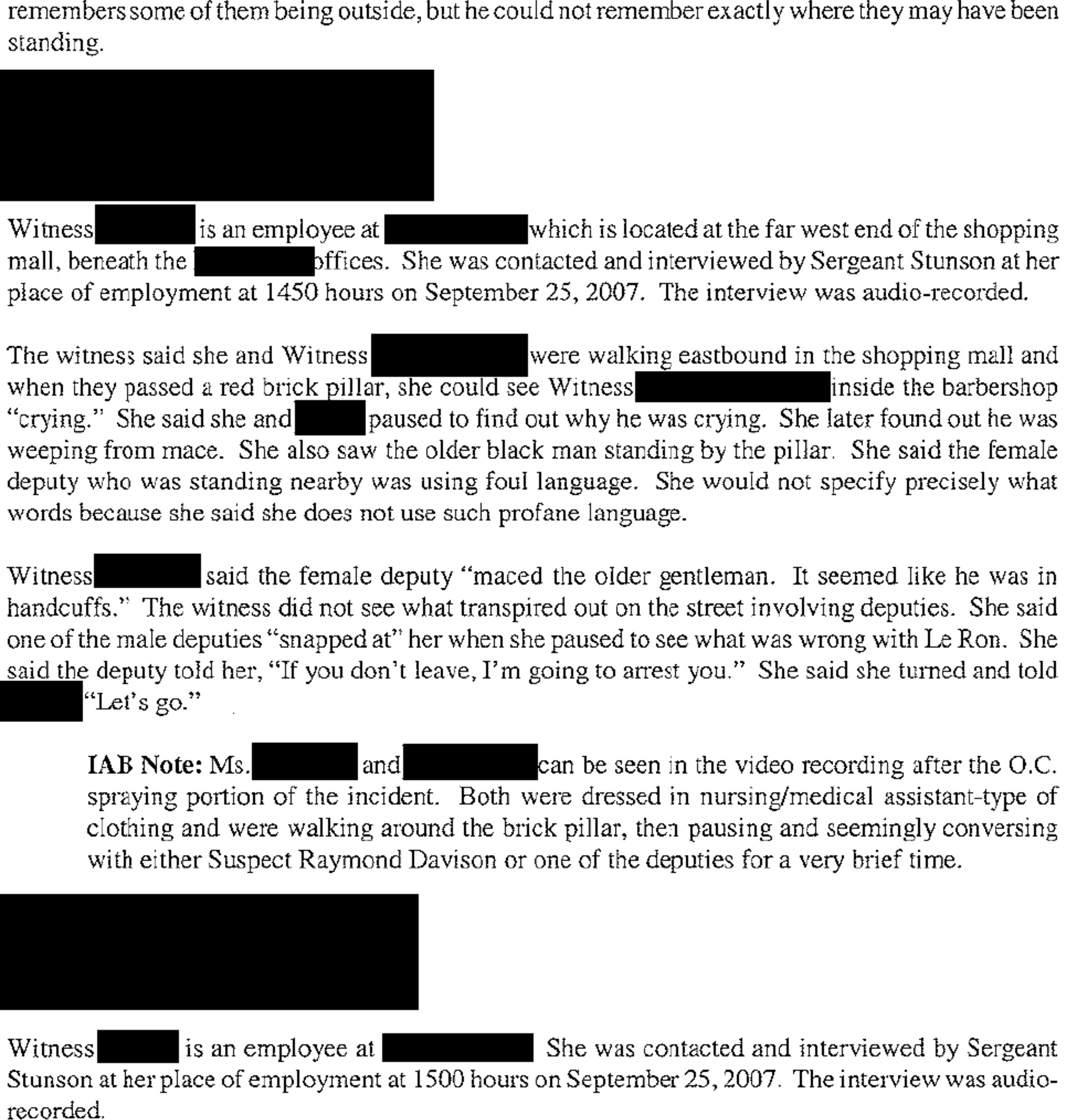
Witness [redacted] said that many of the people were lingering around and continuing to watch the deputies from their positions outside the shops. He said the individuals the deputies were detaining and pointing their guns at were "black." He said some African-American people from "the barber shop" had come down closer to the evolving police activity. He said once the pedestrian was secured, the motorcycle deputy rode his motorcycle over to and then stopped in the parking lot near the barbershop. He said other deputies walked over, following the motorcycle deputy.

The witness said after that, he went back upstairs to the tattoo shop and was gone from his vantage of seeing what deputies were doing for about a minute or more. When he returned back down stairs, he saw deputies were walking arrested men from the barbershop. He saw "an older gentleman" being escorted out to a radio car. When asked if the older man looked like he was exhausted while he was walked across the parking lot to the radio car, he said yes.

He was asked why he thought deputies left their original position in the traffic lanes on Avenue K and went over to the barbershop. The witness answered, "Just because no one followed the directions of the deputies. When he said to 'get back in the business,' the people were still outside there. When they said, 'Go back inside or we'll arrest you,' I think it had to do with a part of, come down to, ah, interfering with them."

Witness [redacted] said he did not see any of the onlookers taking pictures of the deputies who were in the traffic lanes. He said that he was down near the unfolding events long enough before he went

upstairs and believes he would have seen any of the onlookers who were trying to take pictures, and none were doing so.



He said that he does not know how far east in the shopping center, the men who ended up being arrested, walked. He said he could not say one way or the other, whether the four men were in the motorcycle deputy's backdrop. He knew some people came out from the barbershop and he remembers some of them being outside, but he could not remember exactly where they may have been standing.

[redacted]

Witness [redacted] is an employee at [redacted] which is located at the far west end of the shopping mall, beneath the [redacted] offices. She was contacted and interviewed by Sergeant Stunson at her place of employment at 1450 hours on September 25, 2007. The interview was audio-recorded.

The witness said she and Witness [redacted] were walking eastbound in the shopping mall and when they passed a red brick pillar, she could see Witness [redacted] inside the barbershop "crying." She said she and [redacted] paused to find out why he was crying. She later found out he was weeping from mace. She also saw the older black man standing by the pillar. She said the female deputy who was standing nearby was using foul language. She would not specify precisely what words because she said she does not use such profane language.

Witness [redacted] said the female deputy "maced the older gentleman. It seemed like he was in handcuffs." The witness did not see what transpired out on the street involving deputies. She said one of the male deputies "snapped at" her when she paused to see what was wrong with Le Ron. She said the deputy told her, "If you don't leave, I'm going to arrest you." She said she turned and told [redacted] "Let's go."

> **IAB Note:** Ms. [redacted] and [redacted] can be seen in the video recording after the O.C. spraying portion of the incident. Both were dressed in nursing/medical assistant-type of clothing and were walking around the brick pillar, then pausing and seemingly conversing with either Suspect Raymond Davison or one of the deputies for a very brief time.

[redacted]

Witness [redacted] is an employee at [redacted] She was contacted and interviewed by Sergeant Stunson at her place of employment at 1500 hours on September 25, 2007. The interview was audio-recorded.

The witness said she and Witness [redacted] were walking eastbound in the shopping mall and walked near where a female and other male deputies were detaining a man. She said the female said, "You fat asshole, like, fatso, like that." She said when they paused to see what was going on, one of the

deputies told her that if [redacted] stayed "there one more second, then we will arrest you, both of you." She said she told [redacted] at that time, "Let's go." She also said, "One of the cops told him [Raymond Davison] to shut up."

She said she heard conversation between the deputies and the older man but she could not hear what the elderly gentleman was saying to deputies. She said she did not see any O.C. spraying or other force used.

[redacted]

Witness [redacted] identified himself as a witness to the incident while Sergeant Stunson was canvassing for witnesses among the various businesses of the shopping mall. He was interviewed on the walkway outside of the [redacted] at 1511 hours on September 25, 2007. The interview was audio-recorded.

The witness said that he is Raymond Davison's nephew and he was at the location on July 17, 2007, when deputies arrested his uncle. He said he was inside the barbershop when deputies pulled their radio cars up and stopped in the traffic lanes in front of the shopping center. He and others from the shop exited and walked further east in the center walkway and parking lot to see what was going on.

For complete details of Witness [redacted] statement, refer to the interview transcription contained in this case book.

During a follow-up telephonic interview with Witness [redacted] conducted by Sergeant Stunson at 1423 hours on October 3, 2007, the witness was asked if he saw Suspect Barnes using a cellular phone or other device to capture either still photographs or video of the police activity out on the avenue. He said that [redacted] tried to take video with his cellular telephone but did not get any footage. He said, "I'm positive he didn't" [obtain any video].

[redacted]

Witness [redacted] is a former employee of [redacted] He was telephonically interviewed by Sergeant David Stunson on October 3, 2007, at 1812 hours. The interview was audio recorded.

The witness said that he was returning to work from a lunch break, pulled into the shopping center's west driveway and parked his car. When he pulled in, he saw sheriff's deputies at the barbershop. He said there was a deputy sitting in a radio car. He did not see anyone get arrested or have force of any kind used on them. He said he never had contact with the people who work and occupy the barbershop and was not familiar with them.

Witness [redacted] said after he parked, he walked upstairs to the offices of [redacted] and asked his "colleagues" what was going on downstairs. The coworkers were unaware that there was any police

activity downstairs and they went to the "windows to see what was going on, but nothing was going on." He added he even went over to the east-facing window and did not see any activity down near the barbershop. He also did not see any crowd of people near the shop.

[redacted]

Witness [redacted] also is a former [redacted] employee who was still employed and working there on the date and at the time of the incident. She was telephonically interviewed by Sergeant David Stunson on October 3, 2007, at 0950 hours. The interview was audio recorded.

She said on the day of the incident, she was preparing to leave the office on her way to lunch when something, which she could not recall, caught her attention outside. She looked out the east window (**Exhibit C-1, figures 1, 4 & 5**) of the second story office and saw lots of radio cars parked in the street, traffic was stopped and a "black gentleman" was near where the radio cars were. She heard announcements over one of the deputies' public address systems, "Stop right there," and noticed the black gentleman "with his hands in the air." The witness said, "It must have been serious because" deputies had "rifles and guns drawn and a lot of people were coming out of the shops."

The witness said she remembered deputies yelled at people from the barbershop and other shops, to go back inside the shop, "because they were in the line of fire, you know, they could have been hurt." She said at that point, she was already downstairs at her car, in the parking lot. She had began watching the scenario unfolding from the upstairs window and because she only had an hour for lunch, she walked downstairs. She said when she got to her car, deputies were still yelling at the onlookers to disperse. She said the deputies, at least one on a motorcycle, were upset with the onlookers:

> Because again, they had already told us to get inside, because if they didn't have anything to do with anybody else, so they were upset because they were not listening to them, so at that point, I remember a motorcycle pulled up and he was using his speaker to get inside, because, again, you're in the line of fire, its dangerous, go back inside. You don't belong outside. And then, before I know it, a bunch of sheriffs approach the barbershop because it was, I'm gonna say, there were, ah, about around seven-ish of these black gentleman that came outside.

The witness said these approximately seven men were not necessarily listening to what they [deputies] were saying. "They were ignoring what the officers were saying." She said at that point, deputies approached them and went inside the barbershop. At that point, she said she started her car and left the location. When she came back from lunch, coworkers told her a number of people from the barbershop were arrested. She said she didn't see any actual arrests including Raymond Davison's. She said that she perceived the situation as a serious one because deputies had "rifles out."

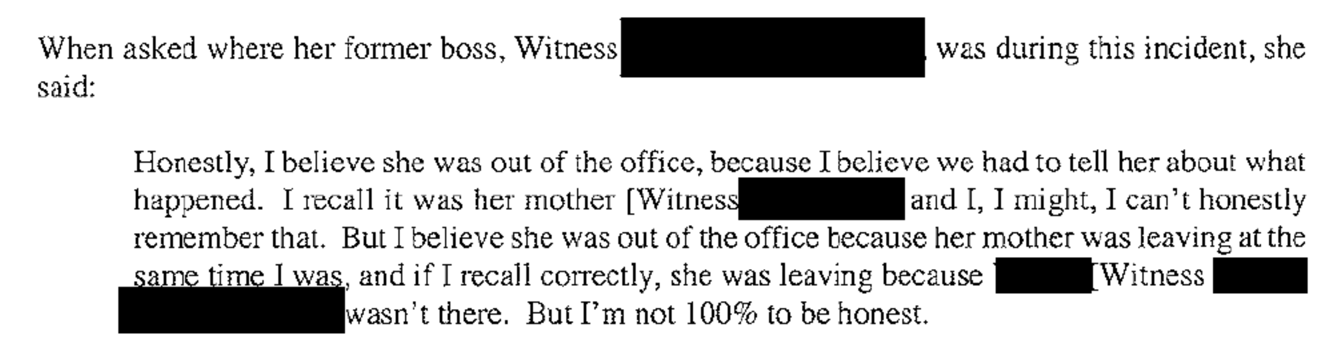
The witness said she did not see any deputies use force on any detainees. She said she saw that deputies were upset but she did not see anyone being roughed up. She did not see any of the barbershop occupants being walked out to radio cars on the street.

When asked how far down east the barbershop onlookers walked down to, she said it looked like some of them appeared to be in an area of jeopardy [backdrop]. She said from her perspective, she had the impression the onlookers were getting near a serious situation due to the deputies having their "rifles out." If the detained pedestrian had done something, the deputies may have to had started shooting and the onlookers might have been "in the line of fire."

She said she heard laughter coming from the barbershop onlookers but she could not hear exactly what they were saying. When asked if she heard the onlookers yell out anything at the deputies on the street, she said one of the black gentleman said, "Fuck off." When asked if she could remember anything specific, any additional statements these individuals may have yelled out at the deputies, she said nothing specific came to mind but in a general sense, she recalled the order of communication sounded like these men were not responding to the deputies ordering them to disperse. She said these men seemed to act nonchalant, "You're not going to tell us what to do," and, "you can't touch us type of thing." She was surprised by this display of contempt toward the deputies. What she heard was limited because of where she was. The witness' overall impression of the men from the barbershop was they had a "you can't touch us" type of an attitude and they were not going to listen to the deputies.

When asked if she saw anyone trying to take photographs or a video recording of the police activity that day, she said she did not see anyone doing so. She began to say she heard from someone, but then said, she seemed to remember hearing someone say, "Turn the camera off." She did not remember who said this.

She was told various things by her coworkers about the arrest of the four suspects from the barbershop but she did not see any of that part of the incident.


When asked where her former boss, Witness [redacted], was during this incident, she said:

> Honestly, I believe she was out of the office, because I believe we had to tell her about what happened. I recall it was her mother [Witness [redacted] and I, I might, I can't honestly remember that. But I believe she was out of the office because her mother was leaving at the same time I was, and if I recall correctly, she was leaving because [redacted] [Witness [redacted] wasn't there. But I'm not 100% to be honest.

The witness was not able to offer any additional information regarding the incident.

[redacted]

Witness [redacted] is the mother of Witness [redacted], owner of [redacted] Ms. [redacted] works at the offices of [redacted] and she said she was at the offices the day of the incident. Sergeant David Stunson completed a telephonic interview with her on October 3, 2007, at 1352 hours. The interview was audio-recorded.

She said she heard the deputies say, "Everybody go in. The black guys was (sic) outside. I was inside right away in the car. But I guess the black guys did not listen. The police came, mad, and (unintelligible) the black guy." She said the "black guys wouldn't go back in." She said she was in her car which was parked at the west end of the parking lot, in front of the [redacted] offices. She said she did not know the reason why the deputies told people to get inside.

Ms. [redacted] said the older man had trouble walking. She said an ambulance came. She could not hear what, if anything, the older man was saying to the deputies. She said she did not see anyone, civilians or deputies, going into the barbershop. However, she did see the older man standing with deputies outside the barbershop. She did not see any force used, including O.C. spraying, on the older man.

The witness said that after she saw this, she drove away from the parking lot and went home.

[redacted]

Witness [redacted] was telephonically interviewed at 1513 hours on September 3, 2007, by Sergeant Stunson. She works at [redacted] and said she was at the location on the date and time of the incident. The interview was audio-recorded.

The witness said she saw a lot of radio cars pulled up and stopped in the traffic lanes on Avenue K in front of her business and saw several deputies out of their cars and pointing guns at someone who was on the sidewalk. From her view, she could not see who deputies were pointing their weapons at. She said there were onlookers in front of the stores east of her store, nearer the pet store. She heard an announcement for people who were outside watching the deputies to, "Get inside. You're in the line of fire. That's what I remember hearing." She said she could not hear any of the onlookers saying anything back at the deputies.

She said she thought the onlookers the deputies were announcing the commands to were individuals who had come out from the stores.

The witness did not see anyone taking video or still photographs of the incident and she did not see anyone have force used on them or being arrested.

[redacted]

Witness [redacted] was telephonically interviewed on October 3, 2007, at 1340 hours by Sergeant David Stunson. She said she was working at her former place of employment, at the [redacted] The interview was audio-recorded.

She recalled several radio cars parked in the street out in front of the shopping mall. She stepped outside to see what was going on. She said she heard deputies yell at onlookers who were out in the parking lot area of the mall to go back inside. She went back into her shop and did not see or hear anything further.

[redacted] Lieutenant
Lancaster Sheriff's Station

Witness [redacted] was telephonically interviewed by Internal Affairs Bureau Sergeant David Stunson at 1000 hours on January 7, 2008, regarding Subject [redacted] The interview was audio recorded.

The witness said he remembers the July 17, 2007, incident and recalls Subject [redacted] was the field sergeant who was responsible for completing the Force Package regarding the incident. He did not remember the date but recalls the force package was not completed and submitted within the required time period. Witness [redacted] said by Lancaster Station unit policy (Unit Order #42, Administrative Reports, Submission Time Limits, refer to **Miscellaneous Documents** section of case book), the force package should have been submitted to the sergeant's watch commander within one week (refer to **Exhibit J, Incomplete Force Package**, retrieved from Sergeant [redacted] mailbox by Lancaster Station Lieutenant William Hindman on August 14, 2007).

Witness [redacted] said shortly after the incident, station management had been made aware of the existence of a security camera video recording of the July 17, 2007, event. He said within several days of the incident, he tasked Sergeant [redacted] with responding to the shopping center mall to obtain a copy of the security camera video recordings. [redacted] said he did not know the exact date but told Sergeant [redacted] to "get it ASAP." When he checked with the subject several days later, the subject told him he had not obtained the video recordings because he had been busy.

[redacted] Retired Lieutenant
Lancaster Sheriff's Station

Former Lancaster Station Lieutenant [redacted] was contacted and telephonically interviewed at approximately 1230 hours on January 8, 2008. The interview was audio recorded.

Lieutenant [redacted] said while still assigned to Lancaster Station, he remembers hearing of the "barbershop incident" but did not have any direct involvement or specific knowledge of it. He said he normally worked day shift until 1330 hours (reports indicated the incident occurred at 1330 hours).

He stated he did not have specific recollection of Sergeant [redacted] communicating to him he was working on the barbershop incident force package or that any force package would delayed and/or be late. However, [redacted] offered and emphasized the heavy administrative workload for station sergeants could conceivably cause administrative paperwork to be delayed. He said it was common knowledge at the station that watch and field sergeants were very busy with completing paperwork in addition to their primary duties.

BUSINESS OCCUPANTS CONTACTED BUT WHO DID NOT SEE ACTIVITY

[redacted]

Mr. [redacted] was contacted at his business by Sergeant Stunson and asked if he observed the incident which took place on July 17, 2007. He said he was working at his business on the day of the incident but he was not aware of the police activity after the pedestrian stop of Alvin Woods. He did not see deputies take anyone into custody nor did he see where any of the onlookers congregated.

[redacted]

Mr. [redacted] is an employee at the [redacted] and told Sergeant Stunson that he was an employee at the location on the date of the incident but he did not see what happened. He did not see anyone arrested.

[redacted]

Ms. [redacted] is an employee of the market. She was contacted by Sergeant Stunson and told him that she was working during the month of July 2007, but she said she did not see any police activity that she recalled.

SUBJECT INTERVIEWS

[redacted], Sergeant

Subject [redacted] was interviewed by IAB investigators Sergeant David Stunson and Sergeant Carlos Flores at the Internal Affairs Bureau office on January 8, 2008, at 1000 hours. He was represented by Professional Peace Officers Association representative Marlyne Rinaldi. The interview was audio recorded.

Subject [redacted] explained why force package paperwork associated with the O.C. spraying of Raymond Davison was late due to his being burdened with a significant amount of other force and employee

injury tasks. He also explained why he did not obtain the video recording of the incident from the building management representative.

For specific statements from Subject [redacted] interview, refer to the subject interview transcription in the IAB casebook.

CHAMNESS, Christain, Deputy Sheriff

Subject Chamness was interviewed by IAB investigator Sergeant David Stunson and Sergeant Carlos Flores at the Internal Affairs Bureau office on December 6, 2007, at 1005 hours. He was represented by Green and Shinee attorney Derald Brenneman. The interview was audio recorded.

Subject Chamness acknowledged writing a report (**Exhibit A**) containing multiple inaccuracies and explained why he did so. He referred to his report as, "a crappy report." He also explained why he used O.C. spray on Suspect Raymond Davison and what his state of mind was leading up to the use of O.C. spray.

He denied confiscating anyone's cellular telephone at all, or erasing any images it may have contained, nor seeing any of his co-workers doing so.

For specific statements from Subject Chamness' interview, refer to the subject interview transcription in the IAB casebook.

[redacted] Deputy Sheriff

Subject [redacted] was interviewed by IAB investigators Sergeant David Stunson and Sergeant Carlos Flores at the Internal Affairs Bureau office on December 6, 2007, at 1005 hours. He was represented by Green and Shinee attorney Derald Brenneman. The interview was audio recorded.

Subject [redacted] said he believed his report (**Exhibit B-1**) accurately reflected what occurred at the incident. He denied confiscating anyone's cellular telephone at all, or erasing any images it may have contained, nor seeing any of his co-workers doing so.

He explained why he utilized a shotgun during the pedestrian stop and why he issued commands over his public address system for onlookers to disperse. He also described why the individuals he went over to the barbershop to arrest, were in violation of 148 P.C. of the Penal Code.

For specific statements from Subject [redacted] interview, refer to the subject interview transcription in the IAB casebook.

[redacted] Deputy Sheriff

Subject [redacted] was interviewed by IAB investigators Sergeant David Stunson and Sergeant Carlos Flores at the Internal Affairs Bureau office on December 6, 2007, at 1005 hours. He was represented by Green and Shinee attorney Derald Brenneman. The interview was audio recorded.

Subject [redacted] acknowledged writing a supplemental report (**Exhibit B-2**) which did not accurately reflect the incident but explained his perspective on how this occurred.

He denied confiscating anyone's cellular telephone at all, or erasing any images it may have contained, nor seeing any of his co-workers doing so.

For specific statements from Subject [redacted] interview, refer to the subject interview transcription in the IAB casebook.

[redacted] Deputy Sheriff

Subject [redacted] was interviewed by IAB investigators Sergeant David Stunson and Sergeant Carlos Flores at the Internal Affairs Bureau office on December 19, 2007, at 1230 hours. She was represented by Green and Shinee attorney Derald Brenneman. The interview was audio recorded.

Subject [redacted] acknowledged her supplemental report (**Exhibit B-3**) did not accurately reflect what occurred on July 17, 2007. She said she submitted a supplemental report through the watch sergeant's office on the day of the incident. She explained that Sergeant [redacted] contacted her at an unspecified later date to ask her where her supplemental report of the incident was. She could not find the one she originally turned in and so she wrote a new, second supplemental report, dated August 14, 2007, four weeks after the incident, in an attempt to replicate her original supplemental report. She said she believed that the time span between the time of occurrence and the time she completed and submitted the replacement supplemental report caused her to not recollect as clearly as she had done in her original, apparently lost, first supplemental report. To accomplish writing the replacement supplemental report, she located the case file and read the reports in it to refresh her memory. She denied that she and any of the involved deputies discussed embellishing the facts of the incident in their reports.

She denied seeing any deputies confiscating anyone's cellular telephone at all, or erasing any images it may have contained.

For specific statements from Subject [redacted] interview, refer to the subject interview transcription in the IAB casebook.



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



July 15, 2008

Deputy Christian Chamness, #[redacted]
[redacted]

Dear Deputy Chamness:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of twenty (25) days.

An investigation under File Number IAB 2201440, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/025.10, Unreasonable Force, on or about July 17, 2007, after responding to a "man with a gun" call in the vicinity of 10th Street East and Avenue K in the city of Lancaster, you used force that was not objectively reasonable and/or which was unnecessary and/or excessive given the circumstances, as evidenced by, but not limited to:

    a) deploying three separate bursts of OC Spray at Mr. [redacted] who was being physically detained by Deputy [redacted] and who was non-resistive and/or posed no physical threat to you or others.

2. That in violation of Manual of Policy and Procedures Sections 3-01/100.35, False Information in Records and/or 3-01/050.10, Performance to Standards, on or about July 17, 2007, you prepared an

incident report which contained factually inaccurate information, as evidenced by, but not limited to:

a) that as you and Deputy [redacted] entered the barber shop, S/3 [[redacted] stepped in your way and refused to move and allow you entry, and/or;

b) that you asked [redacted] several times to step away from you and allow you to exit [the barber shop] freely, and/or;

c) that [redacted] began to advance on you, and/or;

d) that you ordered him once more to step aside and he refused so you sprayed him with a 3-4 second burst of OC Spray.

By your actions, you have failed to conform to the work standards established for your rank and/or position as a deputy sheriff.

3. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about July 17, 2007, you failed to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department, as evidenced by, but not limited to, failing to exercise sound judgment and/or utilizing improper tactics while effecting an arrest.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of the incident has been made by Department executives, including your Unit and Division Commanders.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Axel H. Anderson, Captain
Commander, Lancaster Station

AHA:KM:rjb

c: Advocacy Unit
Employee Relations Unit
Neal B. Tyler, Chief, FORI
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2201440)





CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

COMMISSIONERS: EVELYN V. MARTINEZ • VANGE FELTON • CAROL FOX • LYNN ADKINS • Z. GREG KAHWAJIAN
LAWRENCE D. CROCKER, EXECUTIVE DIRECTOR
SANDY STIVERS, DEPUTY EXECUTIVE DIRECTOR • ROCHELLE L. WILLIAMS, CHIEF, COMMISSION SERVICES

June 16, 2010

FINAL DECISION

Subject of Hearing: *Petition of* ***CHRISTIAN CHAMNESS*** *for a hearing on his twenty-five (25) day* ***suspension****, effective October 26, 2008, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 08-4026.**

On May 12, 2010, the Commission's proposed decision in this matter was sent out for objections. The objections were to be filed with the Commission by June 1, 2010. No objections were timely filed.

Therefore, the following is the Commission's final decision in the matter:

DEPARTMENT SUSTAINED.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure, as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

c: Christian Chamness
Adam L. Marangell
Paul B. Beach
Douglas R. Boyd

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534

COPY

COUNTY OF LOS ANGELES
CIVIL SERVICE COMMISSION

In the Matter of the Appeal of Christian Chamness Appellant - and - LOS ANGELES COUNTY SHERIFF'S DEPARTMENT Respondent	Civil Service Commission Case No. 08-4026 FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDED DECISION Hearing Officer: Douglas R. Boyd, Sr. Date: March 23, 2010

PREFACE

The above entitled matter was heard by Douglas R. Boyd, Sr., the duly appointed Hearing Officer for the Los Angeles County Civil Service Commission on December 21 and 22, 2009 and January 4, 2010 at the Kenneth Hahn Hall of Administration, 500 W. Temple St., Room 522, Los Angeles, CA 90012.

APPEARANCES

The Sheriff's Department was represented by Paul Beach, Attorney at Law, 100 West Bradbury, Suite 1200, Glendale, California 91210. The Appellant was represented by Adam L. Marangell, Attorney at Law, 2010 West Main Street, Suite 101, Tustin, California 92780.

ISSUES TO BE RESOLVED

The Civil Service Commission has propounded the following issues to be resolved.

1) Are the charges contained in the Department's Letter of Suspension dated October 22, 2008 true?

2) If any or all are true, is the discipline imposed appropriate?

FACTUAL SUMMARY

The Lancaster Station of the Los Angeles County Sheriff's Department received a "man with a gun" call adjacent to a mini mall on Avenue K in Lancaster on the afternoon of July 17, 2007. Several patrol units responded to this call. Motorcycle officer [redacted] was one of the officers who responded. Upon arrival at the scene, he noted several deputies at patrol cars with weapons drawn on a male subject who was standing in the driveway leading to the mini mall on Avenue K. Deputy [redacted] retrieved his 12 gauge shotgun and assisted in covering the subject. He noticed several persons in his potential line of fire and ordered them to move. All complied except one black male wearing a white tee shirt, subsequently identified as [redacted]. Deputy [redacted] again ordered "you the person in the white shirt" to move and he again refused.

Other deputies secured the original suspect and Deputy [redacted] determined to arrest Mr. [redacted] for violation of P.C. 148, Resisting, Delaying or Obstructing a Police Officer. Deputy [redacted] followed Mr. [redacted] into a barber shop known as [redacted] House of Style in the mini mall. Deputies Chamness (Appellant) and [redacted] joined Deputy [redacted] to provide support. Deputy [redacted] arrested Mr. [redacted] inside the barber shop without incident and with assistance from Deputy [redacted]. Deputy [redacted] then escorted his prisoner out of the barber shop and across the parking lot to a patrol car.

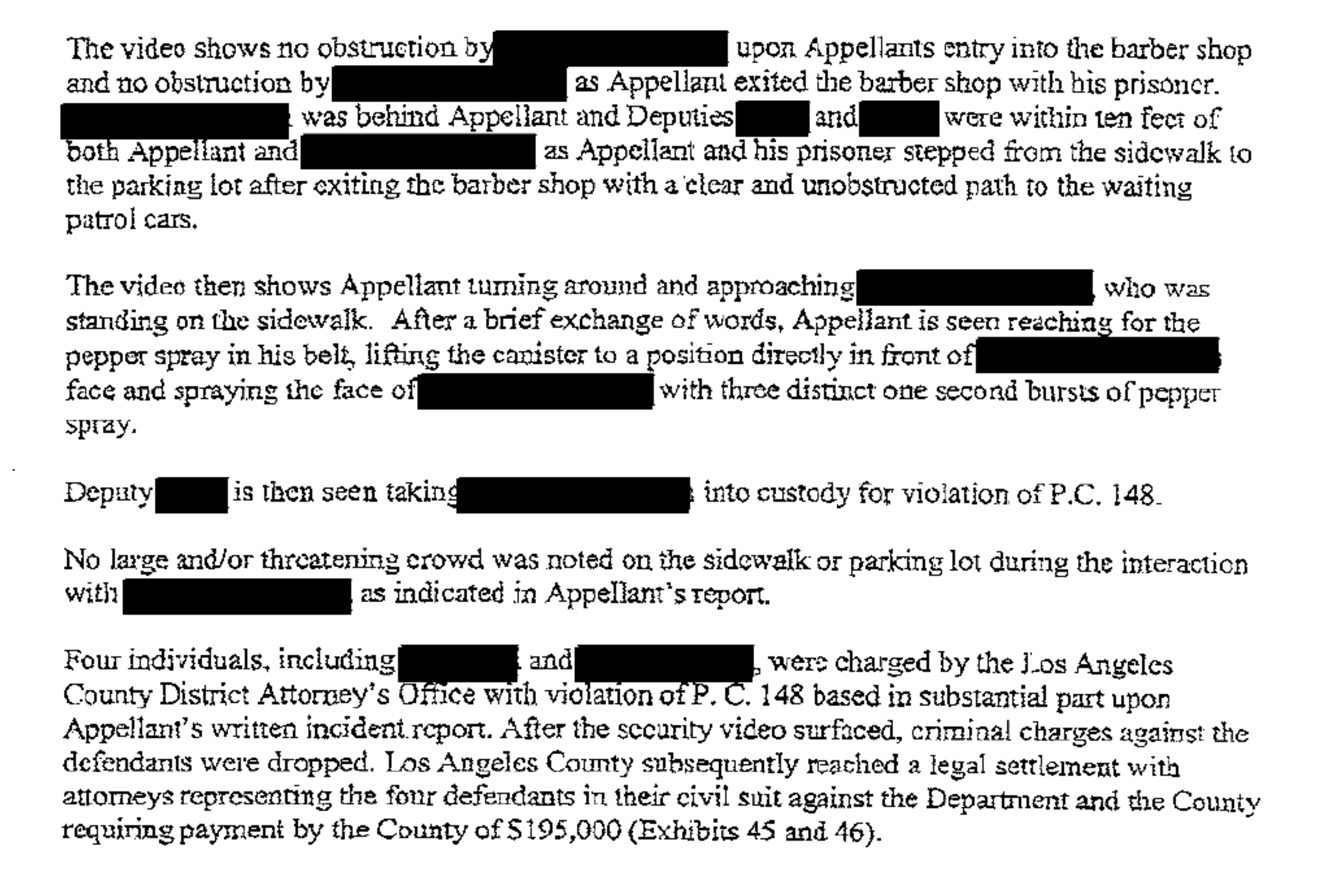
During this procedure inside the barber shop, Appellant was dealing with numerous irate individuals in order to ensure his colleagues safety.

Appellant reported a Mr. [redacted] became physically aggressive towards him while they were inside the barber shop and Appellant arrested him for violation of P. C. Section 148.

Appellant handcuffed [redacted] and escorted him outside toward the waiting patrol cars. Appellant reported that [redacted] father, [redacted], physically obstructed his passage, was verbally abusive and then advanced toward him outside the barber shop. Appellant reported that he then pepper sprayed [redacted] with a 3-4 second burst, and Deputy [redacted] took him into custody for violating P.C. 148.

Appellant's entry into the barber shop, what occurred during the 25 seconds Appellant was inside the barber shop, and the nature of Appellant's contact with [redacted] upon exiting the barber shop with son [redacted] as Appellant's prisoner are the heart of the disagreement in this case.

The Department was provided with a security camera videotape (Exhibit 38 herein) the month after the incident that shows a very different depiction of events mentioned in the previous paragraph than was described by Appellant in his official written report (Exhibit 19).



The video shows no obstruction by [redacted] upon Appellants entry into the barber shop and no obstruction by [redacted] as Appellant exited the barber shop with his prisoner. [redacted] was behind Appellant and Deputies [redacted] and [redacted] were within ten feet of both Appellant and [redacted] as Appellant and his prisoner stepped from the sidewalk to the parking lot after exiting the barber shop with a clear and unobstructed path to the waiting patrol cars.

The video then shows Appellant turning around and approaching [redacted], who was standing on the sidewalk. After a brief exchange of words, Appellant is seen reaching for the pepper spray in his belt, lifting the canister to a position directly in front of [redacted] face and spraying the face of [redacted] with three distinct one second bursts of pepper spray.

Deputy [redacted] is then seen taking [redacted] into custody for violation of P.C. 148.

No large and/or threatening crowd was noted on the sidewalk or parking lot during the interaction with [redacted] as indicated in Appellant's report.

Four individuals, including [redacted] and [redacted], were charged by the Los Angeles County District Attorney's Office with violation of P. C. 148 based in substantial part upon Appellant's written incident report. After the security video surfaced, criminal charges against the defendants were dropped. Los Angeles County subsequently reached a legal settlement with attorneys representing the four defendants in their civil suit against the Department and the County requiring payment by the County of $195,000 (Exhibits 45 and 46).

<u>SUMMARY OF WITNESS TESTIMONY</u>

Five witnesses testified during the course of this proceeding.

First, Deputy [redacted] recounted his actions and observations at the scene of the incident in question. He was not a witness to the crucial sequence of events between Appellant and [redacted] because he was escorting suspect [redacted] to a patrol car in the parking lot at the time of [redacted] arrest.

Second, Division Chief Neal Tyler testified at length for the Department as the executive who recommended the 25 day suspension of Appellant that was eventually approved by the Office of the Sheriff. He advised that this degree of punishment was considered to be on the low end of the range provided in the Department's Guidelines for Discipline (Exhibit 47). Appellant received the minimum of 15 days suspension specified in the Guidelines for the *False Information in Report* charge and ten additional days for the other two charges.

Appellant's counsel stressed that these Guidelines were not mandatory, and punishment could be modified depending on the circumstances and mitigating factors surrounding each case. Chief Tyler's testimony was that these Guidelines were followed in the overwhelming majority of

disciplinary cases to ensure fairness in the imposition of discipline, and were developed in cooperation with the Association for Los Angeles Deputy Sheriffs (ALADS), the rank and file deputies union.

Chief Tyler testified that Appellants excellent work history was considered a mitigating factor in determining the appropriate level of discipline in this case.

Third, Appellant testified extensively on his background and training. He testified in detail regarding the events of July 17, 2007 at Davison's House of Style and the incident report he wrote. The most relevant portions of his testimony are discussed herein as they relate to the charges.

Fourth, Commander Carl Deeley testified regarding his knowledge and experience with Appellant. Commander Deeley was Appellant's Captain in Lancaster during the period of this incident. He testified that Appellant was one of the best deputies he had ever worked with and approved Appellants outstanding performance evaluations as his Captain. Deeley recommended a 17 day suspension in this case, and described including the *False Information in Report* charge as a very difficult but ultimately necessary decision. Deeley forwarded his recommendation to Chief Tyler, who increased the recommended days of suspension to 25.

Fifth, Lieutenant Adam Ellison testified of his knowledge and experience with Appellant. Ellison was Appellant's supervisor at Lancaster for several years, including the time period of this incident. Ellison testified that Appellant was an outstanding deputy in every way and he so rated him on performance evaluations. He testified that Appellant made far more arrests than the average deputy with no complaints of excessive force, and had a well developed work ethic and strong integrity.

DISCUSSION OF THE CHARGES

1. PERFORMANCE TO STANDARDS Section 3-01/050.10

That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about July 17, 2007, you failed to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department, as evidenced by, but not limited to, failing to exercise sound judgment and/or utilizing improper tactics while effecting an arrest.

This charge is conceded by Appellant. Appellant repeatedly expressed regret and remorse over his admitted violation of Department policy.

2. UNREASONABLE FORCE Section 3-01/025.10

That in violation of Manual of Policy and Procedures Section 3-01/025.10, Unreasonable Force, on or about July 17, 2007, after responding to a "man with a gun" call in the vicinity of 10th Street East and Avenue K in the city of Lancaster, you used force that was not objectively

reasonable and/or which was unnecessary and/or excessive given the circumstances, as evidenced by, but not limited to:

> *1) deploying three separate bursts of OC Spray at Mr* [redacted] *who was being physically detained by Deputy* [redacted] *and who was non-resistive and/or posed no physical threat to you or others.*

This charge is also reluctantly conceded by Appellant. During extensive cross-examination by Department's very thorough counsel and repeated viewing of the Exhibit 38 video, Appellant could offer no justification for pepper spraying [redacted]. He conceded that in retrospect he should not have done it. He offered no reasonable explanation for turning to face [redacted] after leaving the barber shop instead of continuing to proceed with his prisoner to the patrol cars in the parking lot. Appellant could not point out on the video any of the physical conduct or extended verbal exchanges offered in his written report as justification for the use of force. It is noted the video shows Deputy [redacted] restraining a non-resistant [redacted] at the point in time Appellant used force on him.

3. FALSE INFORMATION IN REPORT Sections 3-01/100.35

That in violation of Manual of Policy and Procedures Sections 3-01/100.35, False Information in Records and/or 3-01/050.10, Performance to Standards, on or about July 17, 2007, you prepared an incident report which contained factually inaccurate information, as evidenced by, but not limited to:

a) that as you and Deputy [redacted] *entered the barber shop, S/3* [redacted] *stepped in your way and refused to move and allow you entry, and/or;*

b) that you asked [redacted] *several times to step away from you and allow you to exit [the barber shop] freely, and/or;*

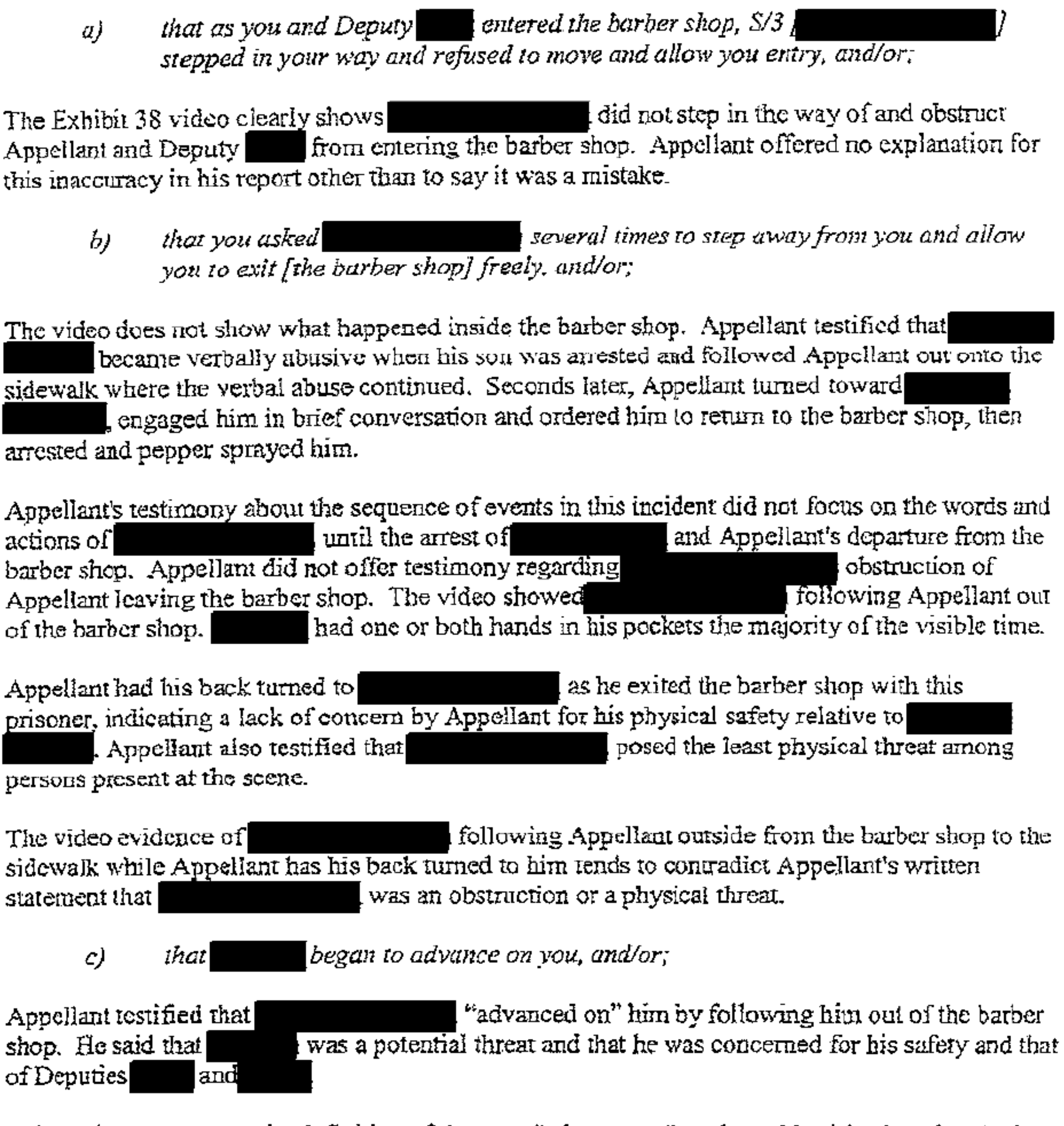
c) that [redacted] *began to advance on you, and/or;*

d) that you ordered him once more to step aside and he refused so you sprayed him with a 3-4 second burst of OC Spray.

By your actions, you have failed to conform to the work standards established for your rank and/or position as a deputy sheriff.

This charge is disputed by Appellant and forms the basis of the instant appeal. Appellant contends that he did not "knowingly or willingly" include false information in his official report of this incident.

The Department cites four specific instances where it contends false information was reported by Appellant. We will discuss each of them.



a) *that as you and Deputy [redacted] entered the barber shop, S/3 [[redacted]] stepped in your way and refused to move and allow you entry, and/or;*

The Exhibit 38 video clearly shows [redacted] did not step in the way of and obstruct Appellant and Deputy [redacted] from entering the barber shop. Appellant offered no explanation for this inaccuracy in his report other than to say it was a mistake.

b) *that you asked [redacted] several times to step away from you and allow you to exit [the barber shop] freely, and/or;*

The video does not show what happened inside the barber shop. Appellant testified that [redacted] became verbally abusive when his son was arrested and followed Appellant out onto the sidewalk where the verbal abuse continued. Seconds later, Appellant turned toward [redacted], engaged him in brief conversation and ordered him to return to the barber shop, then arrested and pepper sprayed him.

Appellant's testimony about the sequence of events in this incident did not focus on the words and actions of [redacted] until the arrest of [redacted] and Appellant's departure from the barber shop. Appellant did not offer testimony regarding [redacted] obstruction of Appellant leaving the barber shop. The video showed [redacted] following Appellant out of the barber shop. [redacted] had one or both hands in his pockets the majority of the visible time.

Appellant had his back turned to [redacted] as he exited the barber shop with this prisoner, indicating a lack of concern by Appellant for his physical safety relative to [redacted]. Appellant also testified that [redacted] posed the least physical threat among persons present at the scene.

The video evidence of [redacted] following Appellant outside from the barber shop to the sidewalk while Appellant has his back turned to him tends to contradict Appellant's written statement that [redacted] was an obstruction or a physical threat.

c) *that [redacted] began to advance on you, and/or;*

Appellant testified that [redacted] "advanced on" him by following him out of the barber shop. He said that [redacted] was a potential threat and that he was concerned for his safety and that of Deputies [redacted] and [redacted].

This testimony tortures the definition of the term "advance on", and would mislead readers in the context of a law enforcement crime scene. The usual context of "advance on" in the regular course of linguistic usage is of someone/thing moving toward a stationary someone/thing else. That did not occur during this incident, and this statement is therefore inaccurate at best and intentionally misleading at worst.

d) *that you ordered him once more to step aside and he refused so you sprayed him with a 3-4 second burst of OC Spray.*

Appellant's testimony was that [redacted] followed him onto the sidewalk and was verbally abusive. Appellant said he was concerned that [redacted] would continue to follow him out to the patrol cars and therefore turned to him and ordered him to go inside. Appellant said [redacted] then told him if he was going to arrest his son, he would have to arrest him also. Appellant said he told [redacted] to go back one more time, then told him he was under arrest and pepper sprayed him as a resistive suspect while Deputy [redacted] restrained him.

Focusing just on the wording of the report, the narrative above is at odds with Appellants written statement that he ordered [redacted] "once more to step aside" and he refused and so was pepper sprayed.

The wording "once more to step aside" implies that a subject is repeatedly obstructing someone's passage. That wording is again inaccurate at best and intentionally misleading at worst in describing this incident.

Taken individually, all four statements are inaccurate and misleading. Taken together, they eviscerate Appellant's contention that he did not "knowingly and willingly" put false and inaccurate information in an incident report.

FINDINGS OF FACT

The following Findings of Fact are made:

1. Appellant Christian Charnness is an eleven year veteran of the Los Angeles County Sheriff's Department with an excellent record.

2. Appellant has earned many commendations and superior performance evaluations during his tenure with the Sheriff's Department (Exhibits 51 and 52)

3. Appellant has worked in Lancaster Station for over seven years.

4. Appellant was one of a number of deputies responding to a "man with a gun" call in Lancaster on July 17, 2007.

5. Appellant assisted Deputy [redacted] in apprehending a suspect at a barber shop known as [redacted].

6. Appellant engaged a number of irate individuals while inside the barber shop and arrested one of them, [redacted].

7. [redacted], [redacted], followed Appellant and his arrested [redacted] outside the barber shop and verbally abused Appellant.

8. Appellant turned around in the parking lot, stepped toward [redacted] who was standing on the sidewalk and engaged him in a brief conversation.

9. Appellant then administered unreasonable force in the form of three one second bursts of pepper spray to the face of [redacted], a [redacted] year old unarmed man posing no physical threat to Appellant or other deputies present.

10. Appellant wrote an inaccurate and misleading incident report containing false information.

11. Appellant's actions on July 17, 2007 did not constitute Performance to Department Standards because he failed to exercise sound judgment and utilized improper tactics while effecting an arrest.

12. Appellant has accepted responsibility for his actions and repeatedly apologized and expressed remorse for his lapse in judgment.

13. Department's punishment of Appellant in the form of a 25 day suspension was reasonable and appropriate under the circumstances.

CONCLUSIONS OF LAW

The following Conclusions of Law are made:

1. The allegations contained in the Department's Letter of Suspension dated October 22, 2008 are true.

2. The discipline imposed by the Department is appropriate.

RECOMMENDATION

It is recommended that the Department's decision be upheld.

Dated: March 23, 2010

Respectfully Submitted,

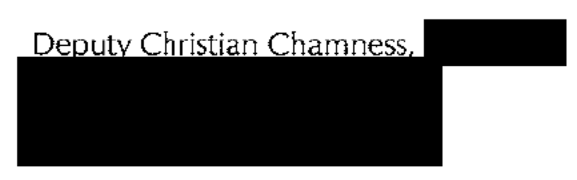
Douglas R. Boyd, Sr.
Hearing Officer



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



October 22, 2008

Deputy Christian Chamness, [redacted]


Dear Deputy Chamness:

On July 15, 2008, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2201440. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of twenty (25) days effective October 26, 2008 through November 19, 2008.

An investigation under File Number IAB 2201440, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:


[redacted]

2. That in violation of Manual of Policy and Procedures Sections 3-01/100.35, False Information in Records and/or [redacted] on or about July 17, 2007, you prepared an incident report which contained factually inaccurate information, as evidenced by, but not limited to:

   a) that as you and Deputy [redacted] entered the barber shop, S/3 [Raymond Davidson] stepped in your way and refused to move and allow you entry, and/or;

   b) that you asked Raymond Davidson several times to step away from you and allow you to exit [the barber shop] freely, and/or;

   c) that Davidson began to advance on you, and/or;

   d) that you ordered him once more to step aside and he refused so you sprayed him with a 3-4 second burst of OC Spray.

   By your actions, you have failed to conform to the work standards established for your rank and/or position as a deputy sheriff.

[redacted]

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05, and 18.01 of the Civil Service Rules.

Within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Axel H. Anderson, Captain
Commander, Lancaster Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

AHA:KM:rjb

c: Advocacy Unit
Neal B. Tyler, Chief, FORI
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Lancaster Station/unit Personnel File